

CITY COMMISSION MEETING

AGENDA

CITY COMMISSION / MUNICIPAL COURT ROOM
518 MECHANIC, EMPORIA, KS
February 5, 2020 at 1:30 pm

1. Members present: Mayor Giefer

<u>Vice Mayor Gilligan</u>	<u>Commissioner Geitz</u>
<u>Commissioner Smith</u>	<u>Commissioner Brinkman</u>
<u>City Manager McAnarney</u>	<u>City Clerk Sull</u>
<u>Asst. City Mgr. Massey</u>	<u>City Attorney Montgomery</u>
2. Consent Agenda
3. Public Comment
4. Consider Approval of Ignite Emporia Agreement.
5. A Request for the Creation of the Riverside Addition Subdivision Final Plat.
6. Ordinance and Request to Vacate the Utility Easements for Lots 1 and 2 of the Zirnstein Addition.
7. Ordinance and Request for the Annexation of Multiple Properties in the City Limits as Part of a Runway Extension.
8. Ordinance and Request to Rezone Two Parcels Located at 1610 and 1600 W. 15th Ave, from Restricted Commercial Zoning to High Density Residential Zoning.
9. Report from City Manager on Activities.
10. City Commission Reports and Comments.



**If you need accommodations due to a disability to participate in this event, meeting, or activity, or alternative format of written materials contact City of Emporia Jeff Lynch, ADA Coordinator at least 48 hours before the event at 620-343-4285 or jlynch@emporia-kansas.gov*

AGENDA ITEM SUMMARY

MEETING DATE: February 5, 2020

Consent Agenda

SUBJECT:

Consent agenda:

The items listed on the Consent Agenda are considered by the Governing Body to be routine business items.

Approval of the items may be made by a single motion, second and majority vote with no separate discussion of any item listed. Should a member of the Governing Body desire to discuss any item, at his/her request, it will be removed from the Consent Agenda and considered separately.

- a. Consider minutes of the Regular Meeting held on January 15, 2020.
- b. Consider ratification of Payroll Ordinance for the period ending on January 17, 2020.
- c. Consider Approval of the December Budget.
- d. Consider Set Bid Date and Time for Hazardous Sidewalk Program.

RECOMMENDATION:

- a. Approve Minutes
- b. Approve Payroll
- c. Approve Budget
- d. Approve Bid Date & Time

BACKGROUND SUMMARY:

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: February 5, 2020

ITEM NUMBER: 2d

SUBJECT: Set 2:00 p.m., Tuesday, February 25, 2020, as the time and date to receive bids for the 2020 Hazardous Sidewalk Project.

RECOMMENDATION: Set bid time and date.

BACKGROUND SUMMARY:

This is the annual hazardous sidewalk program. With this bid, prices will be set, and a contractor selected for the 2020 Hazardous Sidewalk Project.

Attached is the Invitation to Bid.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

INVITATION TO BID

Sealed bids for the **2020 Hazardous Sidewalk Project** will be received at the office of the City Clerk, City of Emporia, Kansas located at 104 E. 5th Avenue, up to **2:00 p.m. on Tuesday, February 25, 2020**, and then publicly opened in the Engineering Department's Conference Room located at 522 Mechanic Street. A non-mandatory pre-bid conference will be held at 2:00 p.m. on Tuesday, February 18, 2020, at the same location.

The work will consist of all Hazardous Sidewalk replacement at locations assigned by the City for the Calendar Year 2020. Contractor will receive a Purchase Order as requests are received and will have 60 calendar days from the date of the Purchase Order to complete the work at the site or sites indicated. Unit prices will be per Purchase Order and not based on total project quantity:

<u>BID ITEM</u>	<u>ESTIMATED QUANTITY</u>
4" Sidewalk (0 SF –100 SF)	100 SF
4" Sidewalk (101 SF – 250 SF)	1,200 SF
4" Sidewalk (251 SF +)	2,800 SF
6" Sidewalk	600 SF
6" Reinforced Sidewalk	320 SF
Miscellaneous Site Work	50 HR
Curb & Gutter (Remove & Replace)	90 LF
Handicap Ramp (Warning Panel)	30 SY
Handicap Ramp (No Panel)	10 SY
Saw Cutting	60 LF

Specifications and bid documents are on file at the office of the City Engineer, 522 Mechanic Street, P.O. Box 928, Emporia, KS 66801 (620-343-4260). The cost for specifications and bid documents is twenty dollars (\$20), which is nonrefundable. If the Contractor prefers plans and bid documents sent by UPS there is an additional required fee of five dollars (\$5). Also, the Contractor may request an electronic copy of specifications and bid documents for a flat rate fee of twenty dollars (\$20). The City of Emporia Master Set of Specifications (for all projects) is available upon request for a cost of \$20 for a hard copy. A contractor either shall have a current set of City Master Specs or have a signed contractor's acknowledgement on file with the City Engineer's Office that they have read and shall abide by the Master Set of Specifications on the City Web page in order to bid City of Emporia projects.

Each bid shall be accompanied by a certified check, a cashier's check, or an approved bidder's bond in the flat rate amount of \$1,000. Any bid bond must be with a surety and guaranty company authorized to do business in the State of Kansas and acceptable to the City as Surety. It will be the intent of the City to no longer add large sections of downtown sidewalk to this program unless agreed to by the contracted contractor.

The Bidder to whom the Contract is awarded will be required to furnish a statutory bond for twenty thousand dollars (\$20,000) and a performance and maintenance bond for twenty thousand dollars (\$20,000); the bonds to be acceptable to the City of Emporia, Kansas, and conform to the requirements of the Contract documents.

The City of Emporia, Kansas, reserves the right to reject any or all bids and to waive defects in bids. No bids will be withdrawn for a period of thirty (30) days after the time set for opening of bids.

If you need accommodations due to a disability to participate in this event, meeting, or activity, or alternative format of written materials contact Jeff Lynch, City of Emporia ADA Coordinator at least 48 hours before the event at 620-343-4291 or e-mail jlynch@emporia-kansas.gov

THE CITY OF EMPORIA, KANSAS

Kerry Sull
City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: February 5, 2020

ITEM NUMBER: 3

SUBJECT: Public Comment

RECOMMENDATION:

BACKGROUND SUMMARY:

- Proclamation Recognizing February 21st as Emporia State University Day.
-To accept Jose Feliciano, Director Of Alumni Relations Emporia State University.

Citizen Appearance Procedures

Presentations by individuals during "Citizen Appearance" portion of the Commission agenda shall be limited two minutes each. No personal attacks, comments or opinions shall be expressed or made against or about any member of the Commission, Mayor, City Employee, individual group or corporation.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____



Proclamation

WHEREAS, Emporia State University has maintained and continuously created a momentous mission to empower people and communities through education; and

WHEREAS, Emporia State University provides access and opportunity for state, regional, national, and international experiences to the City of Emporia through its vision, mission, and values; and

WHEREAS, Emporia State University continually strives to thrive in and embrace an ever-changing, diverse world in providing programs for students and community members to gain a sense of respect and responsibility to advance the common good of our state, nation, and world; and

WHEREAS, Lyon County, the City of Emporia, and Emporia State University continue to build a University Community that strives for excellence in presenting campus and community opportunities, and commits to service to positively impact our campus and local communities; and

WHEREAS, Emporia State University will commence to celebrate its 157th anniversary on Founders' Day, February 21st, 2020;"

NOW, THEREFORE, I, Danny Giefer, Mayor of the City of Emporia, Kansas, do hereby proclaim February 21st, 2020, as

"EMPORIA STATE UNIVERSITY DAY"

in Emporia, Kansas, and urge all Emporians to join in the celebration of the founding of Emporia State University.

DONE this 5th Day of February 2020

ATTEST:

Danny Giefer, Mayor

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: February 5, 2020

ITEM NUMBER: 4

SUBJECT: Approval of Ignite Emporia Agreement.

RECOMMENDATION: Approve Funding Request and Agreement.

BACKGROUND SUMMARY:

City staff has prepared an agreement to accompany a onetime donation of \$20,000 to Ignite Emporia. Changes were made following last week's study session to specify a funding amount and to require an annual financial report showing how funds were used.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGREEMENT

BY AND BETWEEN

IGNITE EMPORIA

AND

THE CITY OF EMPORIA, KANSAS

THIS AGREEMENT, made and entered into the 5th day of February 2020, by and between the City of Emporia, Kansas, a municipal corporation, hereinafter referred to as "City", and Ignite Emporia, a Kansas nonprofit corporation, hereinafter referred to as "Ignite."

WITNESSETH:

WHEREAS, the City appropriates certain tax dollars for the purpose of economic development; and

WHEREAS, Ignite is a non-profit agency designed to create jobs, retain and expand current business and industries, ensure the readiness of our workforce, and grow workforce housing; and

WHEREAS, the City desires to make a one-time contribution to Ignite to support its plan of work; and

WHEREAS, the Governing Body of the City deems it advisable, proper and beneficial to the interests of the citizens of Emporia to stimulate job growth in business and industry, workforce readiness, and housing development.

NOW, THEREFORE, in consideration of the mutual promises, covenants and conditions contained herein, the parties agree as follows:

1. The City agrees to make a one-time contribution to Ignite in the amount of \$20,000.00 and Ignite agrees to accept such contribution in accordance with such terms and conditions. Any

requests for funds in future years shall be made following the City's standard appropriation request procedure and will be considered by the City during their annual appropriations review.

2. The City contribution in support of Ignite shall be used to support the plan of work as described above and represented in Ignite's written materials and live presentations as submitted to and reviewed by the City Commission. The City contribution shall not be used to pay Ignite employee salaries or operating expenses. Ignite shall provide a description of actual projects and work funded by the City contributions and shall certify that all monies received under this agreement have been expended only for those activities.

3. Ignite shall at any time during normal business hours make available to the City or its designated representative all financial records of the organization including payrolls, invoices, contracts vouchers or other official documents evidencing in proper detail the nature and propriety of the charges. All financial documents of the organization shall be retained for a period of two (2) years after the completion of each annual fiscal year. As a condition of financial support, the City requires the organization to obtain an annual accounting report from a Certified Public Accountant. The CPA report prepared as to the activities conducted and funds expended pursuant to this agreement in the preceding year shall be delivered to the City upon completion.

4. It is specifically agreed by the parties this agreement does not create a joint venture agreement, partnership, employment agreement or agency agreement between the parties. Ignite agrees to indemnify and hold harmless the City, its Commissioners, and employees from liability for any and all claims and causes of action of any person, business entity or any entity for any damages of any type whatsoever that might be sustained because of the activities carried out by Ignite, its Board members, officers, agents and employees.

5. No officer, Board member, or employee shall participate in any decision relating to this Agreement which affects their personal interest or have any personal or pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof.

6. Ignite shall not assign or transfer any interest in this agreement.

7. No recipient or proposed recipient of any funds, services, or other assistance under the provisions of this agreement or any program related to this agreement shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with the funds made available through this agreement on the grounds of race, color, sex, religion, national origin, ancestry, physical handicaps, disability, or age.

8. Ignite shall comply with all applicable ordinances and statutes of Emporia, the State of Kansas and the federal government.

IN WITNESS WHEREOF, the parties have executed this agreement as of the date and year first written above.

CITY OF EMPORIA, KANSAS

IGNITE EMPORIA

Danny Giefer, Mayor

Attest:

Attest:

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: February 5, 2020

ITEM NUMBER: 5

SUBJECT: A request for the creation of the Riverside Addition Subdivision Final Plat.

BACKGROUND SUMMARY : The applicant is requesting a final subdivision plat; the application was approved by the Planning Commission on January 21, 2020. The preliminary plat was approved on November 19, 2019 with no objections. The proposed use is consistent with the comprehensive plan. The Utility Advisory Board met October 17, 2019 and discussed the property. The Technical Review Team met October 16, 2019 and January 15, 2020 to discuss the application.

The average lot size for the 11-lot plat is 10,347 sq. ft. The proposed platted easements will be sufficient to meet utility needs, including drainage. This item was approved unanimously by the Planning Commission for the Preliminary and Final Plat with no public objections.

RECOMMENDATION: Seeking approval of the plat to meet the needs of the property owners.

ACTION:

You may 1) approve the recommendation of the Planning Commission by a majority vote; 2) override the Planning Commission's recommendation by a 2/3 majority vote of the entire City Commission; 3) table the request; or 4) return the application to the Planning Commission, giving reasons for doing so.

ATTACHMENTS: Planning Commission Minutes Excerpt, Proposed Plat

LEGAL DESCRIPTION:

A TRACT IN THE SE 1/4 OF THE SE 1/4 OF SECTION 16, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P. M., LYON COUNTY, KANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 20 RODS SOUTH OF THE NE CORNER OF SAID SE 1/4 OF THE SE 1/4 AS MARKED BY A 1/2 INCH REBAR INSIDE A 2 INCH PIPE; THENCE S 01°01'50" E (GRID BEARINGS) ON THE EAST LINE OF SAID SE 1/4 OF THE SE 1/4 FOR 180.00 FEET; THENCE S 88°34'59" W FOR 440.00 FEET; THENCE S 01°01'50" E FOR 30.00 FEET; THENCE S 88°34'59" W FOR 140.00 FEET; THENCE S 01°01'50" E FOR 40.00 FEET; THENCE S 88°34'59" W FOR 105.00 FEET; THENCE N 57°40'13" W FOR 257.41 FEET; THENCE N 01°01'50" W FOR 107.00 FEET TO THE SOUTH LINE OF THE USD 253 TRACT; THENCE N 88°34'59" E ON SAID SOUTH LINE FOR 900.00 FEET TO THE POINT OF BEGINNING

The Planning Commission met in a regular session on Tuesday, January 21, 2020 with Chairman Springeman presiding. Members Bucklinger, Duncan, Garrett, Just, Thomas, and Williams were present. Members Sauder, and Just were absent.

APPLICATION 2020-01:

Staff confirmed jurisdiction over this application.

No exparte communication was declared.

STAFF REPORT:

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

Address: No dedicated address

Size: approximately 4 acres

Existing Zoning: R-1, Single Family Home

Existing Land Use: Residential

Physical Characteristics: Open land

Comprehensive Plan: County Home, single-family residential

Purpose: To develop the property for single-family homes

Nonconformities: The proposed new FEMA Floodplain Map will take all of this area of floodplain in November 2020.

Public Utilities: Water and sewer are available.

Applicable Regulations: Subdivision Regulations Section 6-3

The UAB and Technical Review Team met July 9, 2019 and discussed the proposed plat. No major issues were found on the plat. Issues mentioned were labeling and location of easements. Staff met with the surveyor and the recommended changes have been made.

The applicant is proposing a final subdivision development at this location. The proposed use is consistent with the comprehensive plan. The Utility Advisory Board met October 17, 2019 and discussed the property. The Technical Review Team met on October 16, 2019 and discussed the property and applications.

Street standards were discussed. Subdivision regulations allow for cul-de-sacs with a turnaround of no less than an eight-foot diameter. The lots average size is 10,347 sq. ft., the largest lot is 15,585 sq. ft, and the smallest lot is 9,600 sq. ft.

Easements will be sufficient to meet utility needs, including drainage.

Parking on S. West Street was discussed of the Traffic Advisory Board on November 18, 2019.

Recommendation: Staff recommends approval of the Final Plat to subdivide the property and conform to the Subdivision Regulations Section 6-301.

Public Hearing was opened.

Lynn Cunningham, 409 Oak Street, Cottonwood Falls, applicant spoke regarding the application. Ms. Cunningham addressed the board and explained that this was needed to complete the platting process so that construction could begin. They were wanting to start as soon as the road is in place.

No opposition.

Public Hearing was closed.

Member Bucklinger made a motion to approve the application based on the staff recommendation. Member Williams seconded the motion. The application was approved 7-0.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

Aerial/Zoning Map:

IMAGE 1: AERIAL MAP SHOWING LOCATION OF THE PROPERTY

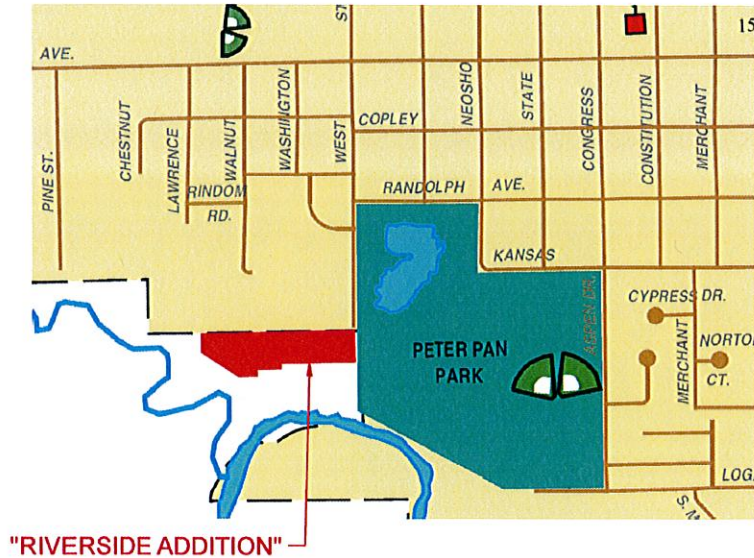
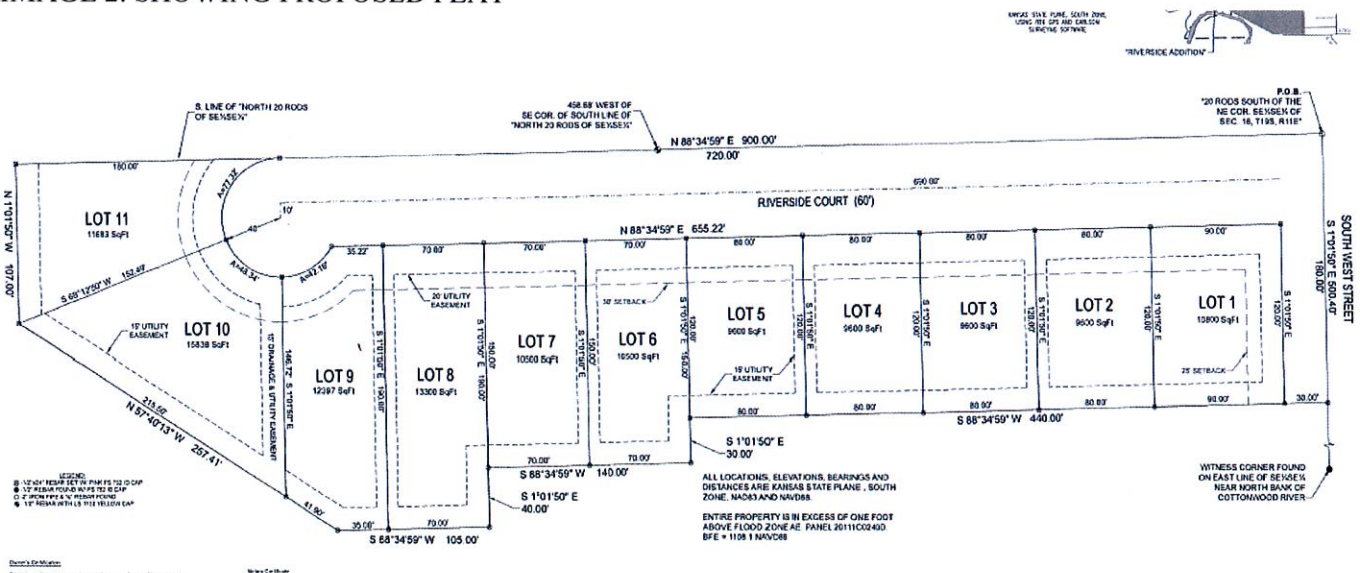


IMAGE 2: SHOWING PROPOSED PLAT



ACTION RECORD

Action:

Motion: _____

Second: _____

Abstained: _____

Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: February 5, 2020

ITEM NUMBER: 6

SUBJECT: An ordinance and request for multiple utility easement vacations for lots 1 and 2 of the Zirnstein Addition.

BACKGROUND SUMMARY: There is a request to vacate 3 utility easements within the Zirnstein Addition. A new easement was added in August 2019 and utilities have been moved. This application will remove the existing easements to make lot 1 this a buildable lot.

The Utility Advisory Board and Technical Review Team met on June 10, 2019 and discussed the easements. No major issues were found with the proposed moving of the easement, it will be sufficient for utilities.

The Planning Commission recommends approval of the easement vacation on July 16, 2019.

RECOMMENDATION: Seeking approval of utility easement vacations to meet the needs of the property owners.

ACTION:

You may 1) approve the recommendation of the Planning Commission by a majority vote; 2) override the Planning Commission's recommendation by a 2/3 majority vote of the entire City Commission; 3) table the request; or 4) return the application to the Planning Commission, giving reasons for doing so.

ATTACHMENTS:

Planning Commission Minutes Excerpt, Site Map, Easement Agreements

The Planning Commission met in a regular session on Tuesday, July 16, 2019, with Chair Springeman presiding. Members Bucklinger, Duncan, Garrett, Just, Sauder, Thomas, and Williams were present. Member Moore was absent.

APPLICATION 2019-03: A request of David and Angie Bolz for an easement vacation within lot 1 of the Zirnstein Addition, per Section 12-401 of the Subdivision Regulations.

Staff confirmed jurisdiction over this application.

No ex parte communication was declared.

Legal Descriptions:

- 1) **VACATED PLATTED EASEMENT:** 15 FEET WIDE, PLATTED NORTH/SOUTH UTILITY EASEMENT WITHIN LOT 1 AND 2, OF ZIRNSTEIN ADDITION SUBDIVISION.
- 2) **WEST EASEMENT (20 FEET):** A TRACT OF GROUND TWENTY (20) FEET IN WIDTH THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 485 FEET WEST OF THE NE CORNER OF THE NW 1/4 OF THE SQ 1/4 OF SECTION 14, T19, R11, AND RUNNING SOUTH PARALLEL TO THE EAST RIGHT OF WAY LINE OF THE SANTA FE RAILROAD A DISTANCE OF 330 FEET.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

3) NON-PLATTED EASEMENT (20 FEET):

TRACT #1

FROM THE NE CORNER OF THE NW 1/4 OF THE SW 1/4 OF SAID SECTION 14, THENCE SOUTHERLY ON THE EAST LINE OF SAID NW 1/4 OF SW 1/4 ON AN ASSUMED BEARING OF S 00°08' 46" E FOR A DISTANCE OF 20.00 FEET, THENCE S 89°19' 25" W PARALLEL TO THE NORTH LINE OF SAID NW 1/4 OF SW 1/4 FOR A DISTANCE OF 170.39 FEET TO THE POINT OF BEGINNING, THENCE S 00°59'49" W FOR A DISTANCE OF 125.44 FEET, THENCE S 15°01'59" W FOR A DISTANCE OF 30.92 FEET, THENCE S 00°59'49" W FOR A DISTANCE OF 59.86 FEET, THENCE S 89°19'25" W FOR A DISTANCE OF 15.00 FEET, THENCE N 00°59'49" E FOR A DISTANCE OF 60.30 FEET, THENCE N 15°01'59" E FOR A DISTANCE OF 30.92 FEET, THENCE N 00°59'49" E FOR A DISTANCE OF 125.00 FEET, THENCE N 89°19'25" E FOR A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

TRACT #1 CONTAINS 3230 SQUARE FEET MORE OR LESS.

TRACT #2

FROM THE NE CORNER OF THE NW 1/4 OF THE SW 1/4 OF SAID SECTION 14, THENCE SOUTHERLY ON THE EAST LINE OF SAID NW 1/4 OF SW 1/4 ON AN ASSUMED BEARING OF S 00°08'46" E FOR A DISTANCE OF 20.00 FEET, THENCE S 89°19' 25" W PARALLEL TO THE NORTH LINE OF SAID NW 1/4 OF SW 1/4 FOR A DISTANCE OF 453.27 FEET TO THE POINT OF BEGINNING, THENCE S 00°59'49" W FOR A DISTANCE OF 215.08 FEET, THENCE S 89°19'25" W FOR A DISTANCE OF 15.01 FEET, THENCE N 00°59'49" E FOR A DISTANCE OF 215.08 FEET, THENCE N 89°19'25" E FOR A DISTANCE OF 15.01 FEET TO THE POINT OF BEGINNING.

TRACT #2 CONTAINS 3226 SQUARE FEET, MORE OR LESS.

STAFF REPORT:

The property owners, David, and Angie Bolz are requesting the vacation of an easement on their property at the corner of South Ave. and Barbie Street. There are no existing utilities in the north/south easement, except for Westar, who has agreed to relocate an existing pole. A request for a new 20 ft. easement will also be added to the west side of the property. No city utilities will be affected.

The Utility Advisory Board met June 10, 2019, and the Technical Review Team met June 11, 2019. The UAB recommends approval of the proposed vacation, with no issues. The vacation will allow the property owner to use the property for new construction. Technically, this will vacate two easements which span across lots 1 and 2 of the Zirnstein Addition, as well as into a parcel to the south.

Staff Recommendation:

The Utility Advisory Board, Technical Review Team and Staff recommend approval of the application. Staff sees that no public rights will be injured or endangered by this vacation. Also, no private rights will be affected by this vacation. An easement will replace this vacation.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

Questions/Comments from PC Members:

Member Sauder commented, the lot is zoned R1, Low-Density Residential, but due to the easements, it makes the property very limited to be buildable.

With no further discussion, the Public Hearing portion was opened.

Public Hearing:

Angie Bolz, 1011 East St., Apt. 2, addressed the Board. Ms. Bolz stated, they had purchased the lot intending to build a house on the property but with the easement, it's not big enough to build. They have spoken with Westar, regarding the relocation of the existing pole.

With no further discussion, the Public Hearing portion was closed.

Member Just moved to approve Application 2019-03, for an easement vacation within lots 1 and 2 of the Zirnstein Addition based upon Staff's recommendation. Member Duncan seconded. Motion approved 8-0.

ACTION RECORD

Action: _____

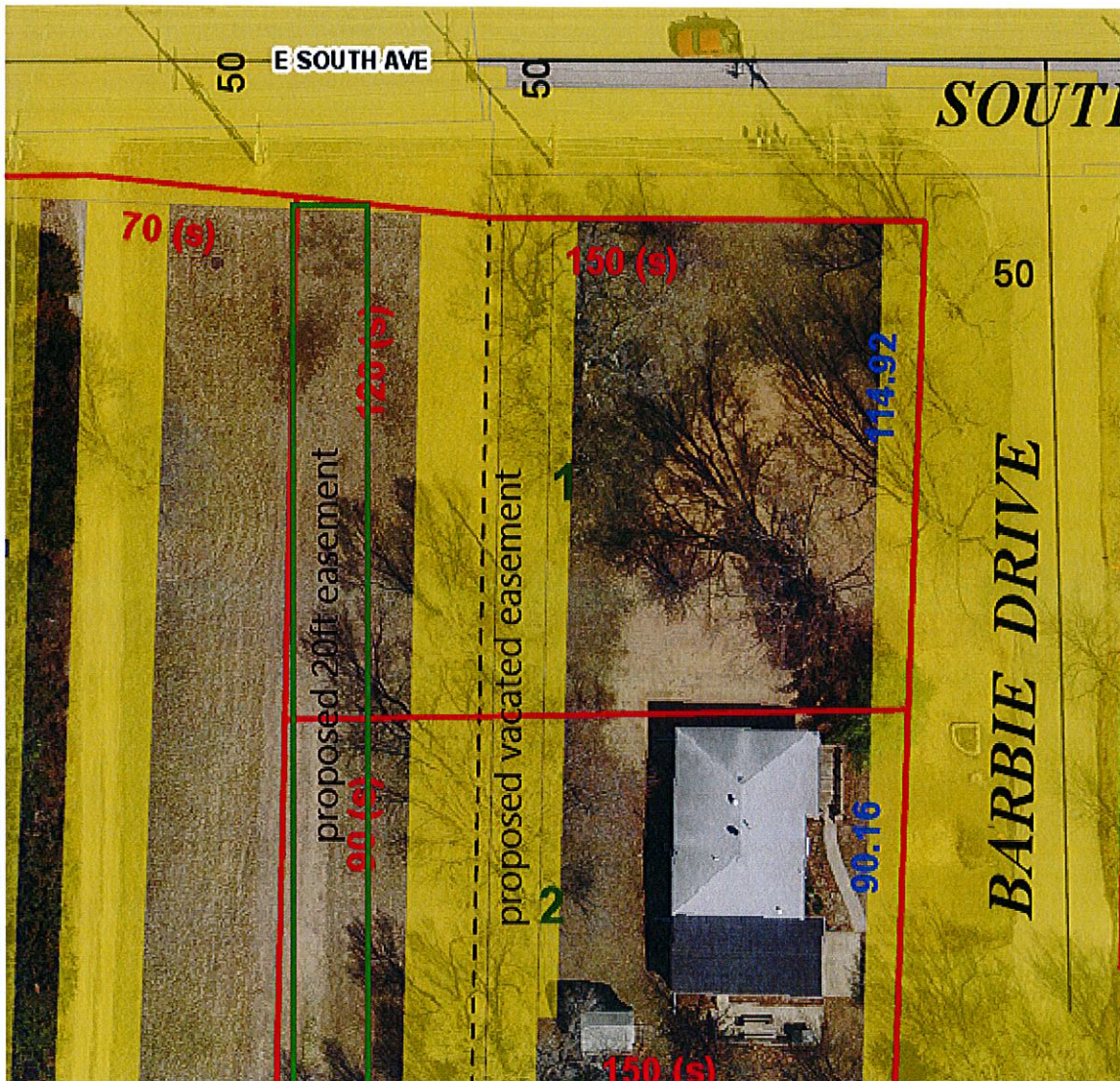
Motion: _____ Second: _____

Abstained: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

Aerial/Zoning Map:

IMAGE 1: AERIAL MAP SHOWING LOCATION OF THE PROPERTY AND EASEMENTS



ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

ORDINANCE NO. _____

AN ORDINANCE VACATING UTILITY EASEMENTS IN THE CITY OF EMPORIA, KANSAS.

WHEREAS, A Petition was filed by the City of Emporia with the Emporia-Lyon County Metropolitan Area Planning Commission requesting the vacation of certain described easements; and

WHEREAS, A Public Hearing was conducted concerning the request for the vacations; and

WHEREAS, no written objection was filed with the City Clerk at the time of or before the Public Hearing by an owner or adjoining owner who would be a proper party to the Petition, but has not joined therein;

NOW, THEREFORE BE IT ORDAINED by the Governing Body of the City of Emporia, Kansas:

SECTION 1. The following described platted easement is hereby ordered vacated:

- 1) **VACATED PLATTED EASEMENT: 15 FEET WIDE, PLATTED NORTH/SOUTH UTILITY EASEMENT WITHIN LOT 1 AND 2, OF ZIRNSTEIN ADDITION SUBDIVISION.**
- 2) **WEST EASEMENT (20 FEET):** A TRACT OF GROUND TWENTY (20) FEET IN WIDTH THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 485 FEET WEST OF THE NE CORNER OF THE NW 1/4 OF THE SQ 1/4 OF SECTION 14, T19, R11, AND RUNNING SOUTH PARALLEL TO THE EAST RIGHT OF WAY LINE OF THE SANTA FE RAILROAD A DISTANCE OF 330 FEET.

- 3) **NON-PLATTED EASEMENT (20 FEET):**
TRACT #1

FROM THE NE CORNER OF THE NW 1/4 OF THE SW 1/4 OF SAID SECTION 14, THENCE SOUTHERLY ON THE EAST LINE OF SAID NW 1/4 OF SW 1/4 ON AN ASSUMED BEARING OF S 00°08' 46" E FOR A DISTANCE OF 20.00 FEET, THENCE S 89°19' 25" W PARALLEL TO THE NORTH LINE OF SAID NW 1/4 OF SW 1/4 FOR A DISTANCE OF 170.39 FEET TO THE POINT OF BEGINNING, THENCE S 00°59'49" W FOR A DISTANCE OF 125.44 FEET, THENCE S 15°01'59" W FOR A DISTANCE OF 30.92 FEET, THENCE S 00°59'49" W FOR A DISTANCE OF 59.86 FEET, THENCE S 89°19'25" W FOR A DISTANCE OF 15.00 FEET, THENCE N 00°59' 49" E FOR A DISTANCE OF 60.30 FEET, THENCE N 15°01'59" E FOR A DISTANCE OF 30.92 FEET, THENCE N 00°59'49" E FOR A DISTANCE OF 125.00 FEET, THENCE N 89°19'25" E FOR A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

TRACT #1 CONTAINS 3230 SQUARE FEET MORE OR LESS.

TRACT #2

FROM THE NE CORNER OF THE NW 1/4 OF THE SW 1/4 OF SAID SECTION 14, THENCE SOUTHERLY ON THE EAST LINE OF SAID NW 1/4 OF SW 1/4 ON AN ASSUMED BEARING OF S 00°08'46" E FOR A DISTANCE OF 20.00 FEET, THENCE S 89°19' 25" W PARALLEL TO THE NORTH LINE OF SAID NW 1/4 OF SW 1/4 FOR A DISTANCE OF 453.27 FEET TO THE POINT OF BEGINNING, THENCE S 00°59'49" W FOR A DISTANCE OF 215.08 FEET, THENCE S 89°19'25" W FOR A DISTANCE OF 15.01 FEET, THENCE N 00°59'49" E FOR A DISTANCE OF 215.08 FEET, THENCE N 89°19'25" E FOR A DISTANCE OF 15.01 FEET TO THE POINT OF BEGINNING.

TRACT #2 CONTAINS 3226 SQUARE FEET, MORE OR LESS.

SECTION 2. This ordinance shall take effect upon publication in the official city newspaper.

PASSED AND APPROVED this 5th Day of February 2020.

DANNY GIEFER, Mayor

ATTEST:

KERRY SULL, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: February 5, 2020

ITEM NUMBER: 7

SUBJECT: An ordinance and request for the annexation of multiple properties in the city limits as part of a runway extension.

BACKGROUND SUMMARY: The City is seeking annexation to be in accordance with FAA requirements for a runway protection zone. The City Commission approved this use in 2018 and the subject properties were acquired around that time. These annexations are contiguous with City of Emporia property.

The Planning Commission recommended approval of the request on January 21, 2020.

RECOMMENDATION: Seeking approval as a natural extension of the city limits.

ACTION:

You may 1) approve the recommendation of the Planning Commission by a majority vote; 2) override the Planning Commission's recommendation by a 2/3 majority vote of the entire City Commission; 3) table the request; or 4) return the application to the Planning Commission, giving reasons for doing so.

ATTACHMENTS:

Planning Commission Minutes Excerpt, Map, Legal Description

The Planning Commission met in a regular session on Tuesday, January 21, 2020, with Chairman Springeman presiding. Members Bucklinger, Duncan, Garrett, Just, Thomas, and Williams were present. Members Sauder, and Just were absent.

APPLICATION 2020-02: A request of the City of Emporia to annex four parcels into the City of Emporia as part of an extension of airport property

Staff confirmed jurisdiction over this application.

No exparte communication was declared.

Applicants: City of Emporia

Requested Action: Annexation

Purpose: To bring these locations into the city

Common Addresses:

- 1200 Road K-12.50 acres
- 1278 Road K- 18 acres
- 1200 Road K- 3.30 acres
- 0000 Road J- .50 acres

Existing Zoning: A-L, Agriculture Land

Existing Land Use: Open land, one parcel has a residential house that will be demolished.

Comprehensive Plan: A-L, Agriculture Land

Public Utilities: Not needed at these locations

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

Analysis: The City is seeking annexation to be in accordance with FAA requirements for a runway protection zone. The City Commission approved this use in 2018 and the subject property was acquired. This annexation is contiguous with the city limit line to the south.

The Technical Review Team met November 13, 2019 and discussed the property and application. The existing house at 1200 Road K will be removed in the near future. This area is will be fenced in the future.

Recommendation: Approve as a normal extension of the community.

Public Hearing was open and closed.

No one was present to speak in favor or opposition to this application.

Motion: Member Bucklinger made a motion to approve based on the staff recommendation. Member Duncan seconded the motion.

The application was approved 7-0.

Legal Descriptions:

TRACT # 1: A TRACT OF LAND CONSISTING OF THE S 1/2 S 1/2 NW 1/4 NW 1/4 OF SECTION 3, TOWNSHIP 20 SOUTH, RANGE 11 EAST OF THE 6TH P.M. DESCRIBED AS FOLLOWS: FROM THE NORTHWEST CORNER OF SAID SECTION 3, THENCE SOUTHERLY ON THE WEST LINE WITH A BEARING OF S 00°30'50" E FOR A DISTANCE OF 981.09 FEET TO THE POINT OF BEGINNING; THENCE N89 °13'44" E FOR A DISTANCE OF 1319.06 FEET; THENCE S 00°29'39" E FOR A DISTANCE OF 315.56 FEET; THENCE S 89°07'11" W FOR A DISTANCE OF 1318.97 FEET; THENCE NORTHERLY ON THE WEST LINE OF SAID SECTION 3 WITH A BEARING OF N 00°30'50" W FOR A DISTANCE OF 318.07 FEET TO THE POINT OF BEGINNING.

TRACT#2: A TRACT OF LAND IN THE NW 1/4 OF SECTION 3, TOWNSHIP 20 SOUTH, RANGE 11 EAST OF THE 6TH P.M. DESCRIBED AS FOLLOWS: BEGINNING ON THE WEST LINE OF SAID SECTION AT A POINT 3460.1 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SECTION, SAID WEST LINE HAVING AN ASSUMED BEARING OF N 10°42'30" W; THENCE CONTINUING NORTH ALONG SAID WEST LINE 482.24 FEET; THENCE N 79°14'15" E A DISTANCE OF 881.37 FEET; THENCE S 55°7'50"W A DISTANCE OF 501.41 FEET; THENCE S 79°14'15" W A DISTANCE OF 744.52 FEET TO THE POINT OF BEGINNING.

A TRACT IN THE N 1/2 N 1/2 SW 1/4 AND THE S 1/2 OF THE FRACTIONAL NW 1/4, ALL IN SECTION 3, TOWNSHIP 20 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID N 1/2 N 1/2 SW 1/4; THENCE N 88°21'15" E (BASIS OF BEARINGS) ON THE SOUTH LINE OF SAID N 1/2 N 1/2 SW 1/4 FOR A DISTANCE OF 711.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE N 36°56'54" W FOR A DISTANCE OF 373.66 FEET; THENCE N to 10°33'40" E FOR A DISTANCE OF 1201.99 FEET; THENCE N 13°52'13" E FOR A DISTANCE OF 517.55 FEET TO THE NORTH LINE OF SAID S 1/2 FR. NW 1/4; THENCE N 88°21'55" E ON THE NORTH LINE OF SAID S 1/2 FR NW 1/4 FOR A DISTANCE OF 272.35 FEET TO POINT 745 FEET DISTANT AT RIGHT ANGLES FROM THE CENTERLINE OF RUNWAY 1-19 EXTENDED; THENCE S 10°39'52" W PARALLEL WITH SAID CENTERLINE OF RUNWAY 1-19 FOR A DISTANCE OF 2024.96 FEET

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

TO THE SOUTH LINE OF SAID N 1/2 N 1/2 SW 1/4; THENCE S 88°21'15" W ON SAID SOUTH LINE FOR A DISTANCE OF 17.28 FEET TO THE TRUE POINT OF BEGINNING.

A TRACT IN THE NE 1/4 OF SECTION 4 IN TOWNSHIP 20 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF THE NE 1/4 OF SAID SECTION 4; THENCE S 88°37'47" W (BASIS OF BEARINGS) ON THE SOUTH LINE OF SAID NE 1/4 FOR 349.34 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING S 88°37'47" W ON SAID SOUTH LINE FOR 49.27 FEET; THENCE N 10°39'54" E FOR 1625.40 FEET; THENCE N 02°00'08" E FOR 66.39 FEET; THENCE N 79°20'06" E FOR 54.33 FEET TO THE EAST LINE OF SAID NE 1/4; THENCE S .01°27'45" E ON SAID EAST LINE FOR 325.54 FEET TO THE NORTHWEST CORNER OF THE S 1/2 NW 1/4; THENCE CONTINUING S .01°27'45" E ON THE EAST LINE OF SAID NE 1/4 FOR 505.40 FEET TO THE NORTH LINE OF A PRIVATE ROAD; THENCE S 89°01'25" W ON THE NORTH LINE OF SAID PRIVATE ROAD FOR 175.80 FEET; THENCE S 10°33'50" W ON THE WESTERLY LINE OF SAID PRIVATE ROAD FOR 832.89 FEET TO THE TRUE POINT OF BEGINNING. SUBJECT TO COUNTY ROAD EASEMENT ALONG THE EAST SIDE THEREOF.

COMMENCING AT THE NORTHEAST CORNER OF THE SE 1/4 OF SAID SECTION 4; THENCE S 88°37'47" W (BASIS OF BEARINGS) ON THE NORTH LINE OF SAID SE 1/4 FOR 349.34 FEET TO THE TRUE POINT OF BEGINNING;
THENCE S 10°49'37" W ALONG WESTERLY LINE OF A PRIVATE ROAD FOR 497.07 FEET; THENCE S 49°42'39" W ALONG THE SOUTHERLY LINE OF A PRIVATE ROAD FOR 74.26 FEET; THENCE N 10°39'54" E FOR 544.48 FEET TO THE NORTH LINE OF SAID SE 1/4; THENCE N 88°37'47" E ON SAID NORTH LINE FOR 49.27 FEET TO THE TRUE POINT OF BEGINNING.

ACTION RECORD

Action: _____

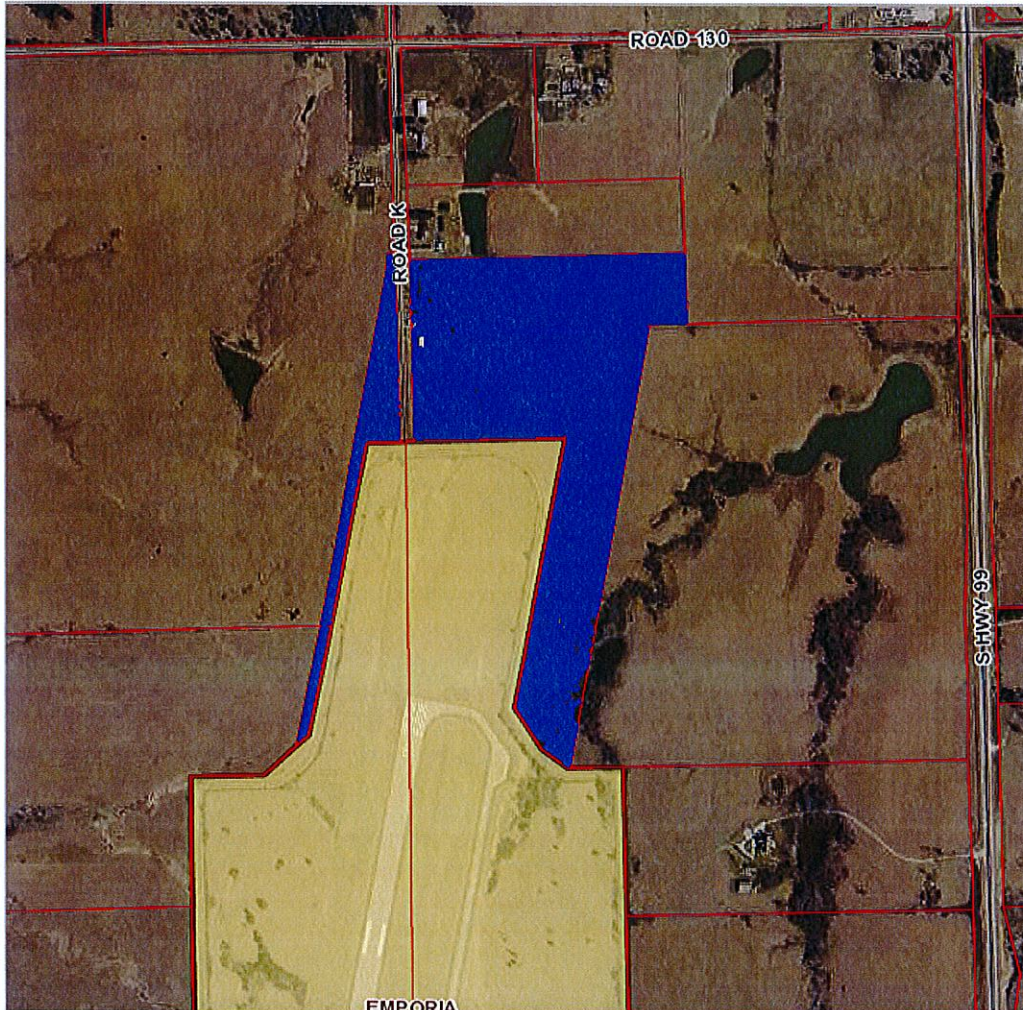
Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

Aerial/Zoning Map:

IMAGE 1: AERIAL MAP SHOWING LOCATION OF THE PROPERTY (IN BLUE)



ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

ORDINANCE NO. _____

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF EMPORIA, KANSAS TO INCLUDE CERTAIN DESCRIBED LAND.

BE IT ORDAINED by the Governing Body of the City of Emporia, Kansas:

Section 1. The boundary of the City of Emporia, Kansas is hereby extended to include the following described land and such land is hereby annexed into the City of Emporia, Kansas:

Legal Descriptions:

TRACT # 1: A TRACT OF LAND CONSISTING OF THE S 1/2 S 1/2 NW 1/4 NW 1/4 OF SECTION 3, TOWNSHIP 20 SOUTH, RANGE 11 EAST OF THE 6TH P.M. DESCRIBED AS FOLLOWS: FROM THE NORTHWEST CORNER OF SAID SECTION 3, THENCE SOUTHERLY ON THE WEST LINE WITH A BEARING OF S 00°30'50" E FOR A DISTANCE OF 981.09 FEET TO THE POINT OF BEGINNING; THENCE N89°13'44" E FOR A DISTANCE OF 1319.06 FEET; THENCE S 00°29'39" E FOR A DISTANCE OF 315.56 FEET; THENCE S 89°07'11" W FOR A DISTANCE OF 1318.97 FEET; THENCE NORTHERLY ON THE WEST LINE OF SAID SECTION 3 WITH A BEARING OF N 00°30'50" W FOR A DISTANCE OF 318.07 FEET TO THE POINT OF BEGINNING.

TRACT#2: A TRACT OF LAND IN THE NW 1/4 OF SECTION 3, TOWNSHIP 20 SOUTH, RANGE 11 EAST OF THE 6TH P.M. DESCRIBED AS FOLLOWS: BEGINNING ON THE WEST LINE OF SAID SECTION AT A POINT 3460.1 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SECTION, SAID WEST LINE HAVING AN ASSUMED BEARING OF N 10°42'30" W; THENCE CONTINUING NORTH ALONG SAID WEST LINE 482.24 FEET; THENCE N 79°14'15" E A DISTANCE OF 881.37 FEET; THENCE S 55°7'50" W A DISTANCE OF 501.41 FEET; THENCE S 79°14'15" W A DISTANCE OF 744.52 FEET TO THE POINT OF BEGINNING.

A TRACT IN THE N 1/2 N 1/2 SW 1/4 AND THE S 1/2 OF THE FRACTIONAL NW 1/4, ALL IN SECTION 3, TOWNSHIP 20 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID N 1/2 N 1/2 SW 1/4; THENCE N 88°21'15" E (BASIS OF BEARINGS) ON THE SOUTH LINE OF SAID N 1/2 N 1/2 SW 1/4 FOR A DISTANCE OF 711.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE N 36°56'54" W FOR A DISTANCE OF 373.66 FEET; THENCE N to 10°33'40" E FOR A DISTANCE OF 1201.99 FEET; THENCE N 13°52'13" E FOR A DISTANCE OF 517.55 FEET TO THE NORTH LINE OF SAID S 1/2 FR. NW 1/4; THENCE N 88°21'55" E ON THE NORTH LINE OF SAID S 1/2 FR NW 1/4 FOR A DISTANCE OF 272.35 FEET TO POINT 745 FEET DISTANT AT RIGHT ANGLES FROM THE CENTERLINE OF RUNWAY 1-19 EXTENDED; THENCE S 10°39'52" W PARALLEL WITH SAID CENTERLINE OF RUNWAY 1-19 FOR A DISTANCE OF 2024.96 FEET TO THE SOUTH LINE OF SAID N 1/2 N 1/2 SW 1/4; THENCE S 88°21'15" W ON SAID SOUTH LINE FOR A DISTANCE OF 17.28 FEET TO THE TRUE POINT OF BEGINNING.

A TRACT IN THE NE 1/4 OF SECTION 4 IN TOWNSHIP 20 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NE 1/4 OF SAID SECTION 4; THENCE S 88°37'47" W (BASIS OF BEARINGS) ON THE SOUTH LINE OF SAID NE 1/4 FOR 349.34 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING S 88°37'47" W ON SAID SOUTH LINE FOR 49.27 FEET; THENCE N 10°39'54" E FOR 1625.40 FEET; THENCE N 02°00'08" E FOR 66.39 FEET; THENCE N 79°20'06" E FOR 54.33 FEET TO THE EAST LINE OF SAID NE 1/4; THENCE S .01°27'45" E ON SAID EAST LINE FOR 325.54 FEET TO THE NORTHWEST CORNER OF THE S 1/2 NW 1/4; THENCE CONTINUING S .01°27'45" E ON THE EAST LINE OF SAID NE 1/4 FOR 505.40 FEET TO THE NORTH LINE OF A PRIVATE ROAD; THENCE S 89°01'25" W ON THE NORTH LINE OF SAID PRIVATE ROAD FOR 175.80 FEET; THENCE S 10°33'50" W ON THE WESTERLY LINE OF SAID PRIVATE ROAD FOR 832.89 FEET TO THE TRUE POINT OF BEGINNING. SUBJECT TO COUNTY ROAD EASEMENT ALONG THE EAST SIDE THEREOF.

COMMENCING AT THE NORTHEAST CORNER OF THE SE 1/4 OF SAID SECTION 4; THENCE S 88°37'47" W (BASIS OF BEARINGS) ON THE NORTH LINE OF SAID SE 1/4 FOR 349.34 FEET TO THE TRUE POINT OF BEGINNING; THENCE S 10°49'37" W ALONG WESTERLY LINE OF A PRIVATE ROAD FOR 497.07 FEET; THENCE S 49°42'39" W ALONG THE SOUTHERLY LINE OF A PRIVATE ROAD FOR 74.26 FEET; THENCE N 10°39'54" E FOR 544.48 FEET TO THE NORTH LINE OF SAID SE 1/4; THENCE N 88°37'47" E ON SAID NORTH LINE FOR 49.27 FEET TO THE TRUE POINT OF BEGINNING.

Section 2. This ordinance shall become effective upon publication in the official city newspaper.

PASSED AND APPROVED this 5th day of February 2020.

DANNY GIEFER, Mayor

ATTEST:

KERRY SULL, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: February 5, 2020

ITEM NUMBER: 8

SUBJECT: An ordinance and application to rezone two parcels located at 1610 and 1600 W. 15th Ave, from Restricted Commercial Zoning to High-Density Residential Zoning for the potential of two assisted living facilities.

BACKGROUND SUMMARY: The applicant is requesting a rezoning for two properties that are part of Emporia Surgical Properties Addition. Lots 1 and 3 are requesting rezoning from C-1, Restricted Commercial to R-3, High-Density Residential. The applicant desires to develop this area into two assisted living dwellings, with on-site parking, and 12 bedrooms in each building.

A Technical Review Team Meeting was held on January 15, 2020 and City Staff discussed concerns and issues such as utilities, easements, and access off of W. 15th Ave. This area was platted to be able to meet the requirements for the new development. Proposed easements were discussed and found satisfactory. Stormwater drainage in this area was discussed and will be reviewed in more detail if this area is developed.

The proposed use is similar to neighboring properties. The Planning Commission recommended approval 7-0.

RECOMMENDATION: Seeking approval of the applications for future development.

ACTION:

You may 1) approve the recommendation of the Planning Commission by a majority vote; 2) override the Planning Commission's recommendation by a 2/3 majority vote of the entire City Commission; 3) table the request; or 4) return the application to the Planning Commission, giving reasons for doing so.

ATTACHMENTS:

Planning Commission Minutes Excerpt, Map

The Planning Commission met in a regular session on Tuesday, January 21, 2020, with Chairman Springeman presiding. Members Bucklinger, Duncan, Garrett, Just, Thomas, and Williams were present. Members Sauder, and Just were absent.

APPLICATION 2020-03: A request of Clint Arndt to rezone two parcels located at 1610 and 1600 W. 15th Ave, from C-1 Restricted Commercial Zoning to R-3, High-Density Residential Zoning for potential development as authorized under Article 26-1 of the Zoning Regulations.

Staff confirmed jurisdiction over this application.

No exparte communication was declared.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

STAFF REPORT:

Legal: LOTS 1 AND 3, EMPORIA SURGICAL PROPERTIES ADDITION TO THE CITY OF EMPORIA, LYON COUNTY KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF.

Requested Action: Rezoning

Purpose: Change the zoning classification to meet needs

Address: 1600 and 1610 W. 15th Ave

Size: Each parcel is 1 acre

Existing Zoning: C-1, restricted commercial district

Existing Land Use: Undeveloped platted lots

Physical Characteristics: no floodplain, utilizes available, easements are in place surrounding this property, no new easements would be required.

R-1 to the North, South, West, and R-3 to the East (PUD)

Comprehensive Plan: The ELC Comp Plan has this area as Commercial Use.

Analysis:

The applicant is requesting a rezoning for two properties that are part of Emporia Surgical Properties Addition. Lot 1 and 3 are requesting a rezoning for C-1, Restricted Commercial to R-3, High-Density Residential. The applicant desire to develop this area into two assistant living dwellings, with on-site parking, and 12 living units in each building.

The property to the East (1601 Lincoln), was granted a PUD in 2005 that changed the zoning to R-3 High-Density Residential. The property is the north is zoned R-1 but operates as a cemetery. The property south of W. 15th Ave is zoned and used as R-1 Single-family housing. The east neighboring property operates as a place of worship and is also zoned R-1.

A Technical Review Team Meeting was held on January 15, 2020 and City Staff discussed concerns and issues such as utilities, easements, and access off of W. 15th Ave. The proposed plat will be able to meet the requirements for the new development. The proposed easements were discussed and found satisfactory. Additional concerns were: stormwater drainage in this area, access control across W. 15th Ave, and concerns about utility extensions that connect to the existing building (lot 2).

Applicable Regulation 26-108.

Factors to be Considered in a Rezoning: When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based using the following guidelines:

1. Whether the change in classification would be consistent with the intent and purpose of these regulations;
2. The character and condition of the surrounding neighborhood and its effect on the proposed change;
3. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions;
4. The current zoning and uses of nearby properties and the effect on existing nearby land uses upon such a change in classification;

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

5. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity;
6. The suitability of the applicant's property for the uses to which it has been restricted;
7. The length of time the subject property has remained vacant or undeveloped as zoned; provided, the use of land for agricultural purposes shall be considered as allowing the land to be vacant or undeveloped;
8. Whether adequate sewer and water facilities and all other needed public services, including transportation, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified;
9. The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development;
10. The recommendations of professional staff;
11. Whether the proposed amendment would be in conformance to and further enhance the implementation of the City's Comprehensive Plan;
12. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such reclassification; and,
13. Such other factors as may be relevant from the facts and evidence presented in the application.

Recommendations: Staff recommends approval of the rezoning, as R-3 High-Density Residential Housing is a high and better use than Commercial Zoning. Additionally, in the proposed zoning regulations commercial use are a boarder use than our current regulations would allow for, including retail, service, entertainment, restaurants, and office space.

Public Hearing:

Clint Arndt, 1812 Calla Del Loma, applicant, presented that he was needing the properties rezoned to make these lots buildable. He stated he was intending to build a "home-plus" assistant living center that would have a maximum of 12 beds per unit. Each lot would have 12 units. These are long term living units, patrons will not drive, there will be 2 full-time staff members at each location. He noted that there is a need for quality long term care in Emporia, and believed that this was a good location that is near to the hospital, and adjacent to other multi-family housing.

Mary Eastman, 1334 Garfield St., spoke in opposition. Mrs. Eastman was concerned about the increase in traffic on Garfield Street. She was also concerned about developing the lots and believed the lots were too small to be developed.

Luis Schrock, 1702 W. 15th Ave., spoke on behalf of the neighboring church. She noted that she was not in opposition, but just curious about the application and the future use of the area.

Justin Mallon, 2107 W. 22nd Ave., spoke in opposition. Mr. Mallon was wanting more information on the proposed development and had concerns about the access of the shared drive, property values, height of the proposed building, and stormwater runoff at this location.

Mr. Arndt responded with a rebuttal. The location of the buildings was discussed in more detail. A minimum of 6 parking stalls per building would be required, but the plans will include 12 stalls. Stormwater runoff was discussed, and additional studies would be needed. Each lot has ample space to retain water runoff, and the applicant expressed he would meet the engineering requirements for this moving forward.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

Mr. Arndt noted that there was an easement agreement on the property and that they would operate only within the access easement. No new drives would be added to W. 15th Ave.; an additional stop control measure could be added at any time if needed.

With no further comments, the public hearing portion of the meeting was closed.

Mr. Foster noted that changing the zoning to R-3 could allow for a multiple story apartment complex but also noted that the current zoning would allow for a 3-story doctor's office, bank or business office at this location.

Member Garrett noted that a doctor's office could potentially have more traffic congestion than the proposed use.

Mr. Foster explained that this area was rezoned and platted for a medical/surgical center. It was designed for moderate traffic onto 15th Ave.

Mr. Foster also noted that the regulating plan in the ELC Comp Plan showed this area as Commercial Use. Potentially, this could be used for retail, entertainment, restaurants, or other retail services. Mr. Foster saw this rezoning protection for the neighborhood and was also similar to adjacent properties to the east and would not have a great impact on traffic demands onto 15th or other local streets.

Chair Springeman made a motion to approve the application based on the staff recommendation. Member Thomas seconded the motion. The motion was approved 7-0.

ACTION RECORD

Action: _____

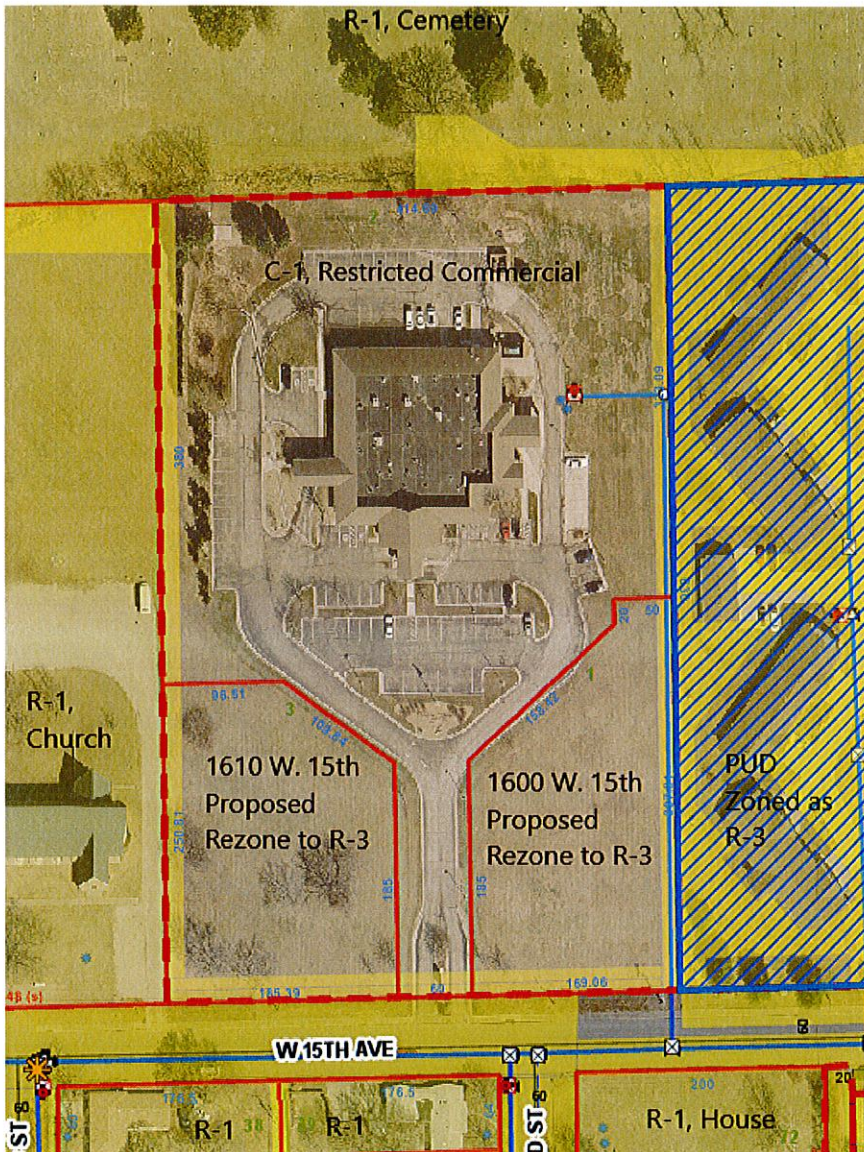
Motion: _____ Second: _____

Abstained: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

Aerial/Zoning Map:

IMAGE 1: AERIAL MAP SHOWING THE LOCATION OF THE PROPERTY



ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

ORDINANCE NO. _____

AN ORDINANCE REZONING A PROPERTY IN THE CITY OF EMPORIA, KANSAS FROM C-1 RESTRICTED COMMERCIAL ZONING, TO R-3, HIGH-DENSITY RESIDENTIAL AND AMENDING THE DISTRICT ZONING MAP TO CONFORM WITH SAID ZONING

BE IT ORDAINED by the Governing Body of the City of Emporia, Kansas:

Section 1. The following described a portion of a property is hereby rezoned from C-1 Restricted Commercial Zoning to that of R-3, High-Density Residential District to wit:

LOTS 1 AND 3, EMPORIA SURGICAL PROPERTIES ADDITION TO THE CITY OF EMPORIA, LYON COUNTY KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF.

Section 2. This ordinance shall become effective upon publication in the official city newspaper.

PASSED AND APPROVED this 5th day of February 2020.

DANNY GIEFER, Mayor

ATTEST:

KERRY SULL, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: February 5, 2020

ITEM NUMBER: 9

SUBJECT: Report from the City Manager on City Activities

RECOMMENDATION: This is a verbal report that announces upcoming events, recognizes employees for outstanding contributions and provides the public with information that may be of general interest.

BACKGROUND SUMMARY: This is an opportunity to present information to the public that may not be reported in other news accounts or City activities or to highlight accomplishments of the organization.

At the time this Agenda was prepared, the following items were in the works:

Tentative Agenda for February 12th Study Session

- ESU Update with President Garrett.
- Prepare to begin working on Commission Goals.
- Update and List for Alley Maintenance.
- Discuss Lift Stations.

Joint Luncheon w/Emporia Library Board

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: February 5, 2020

ITEM NUMBER: 10

SUBJECT: City Commissioners Reports and Comments

RECOMMENDATION:

BACKGROUND SUMMARY:

This is a time for the City Commissioners to make comments and reports to the Public.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

COMMISSION MEETING**7:00 P.M.****JANUARY 15, 2020**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, January 15, 2020, in the City Commission Meeting Room with Mayor Giefer presiding and Commissioners Brinkman, Geitz, and Smith present. Commissioner Gilligan was absent. Also present were City Manager McAnarney, Assistant City Manager Massey, Deputy City Clerk Bryson and City Attorney Montgomery. City Clerk Sull was absent.

MAYOR AND CITY COMMISSIONERS REPORTS AND COMMENTS

This is the time for the Mayor and City Commissioners to make comments and reports to the public. **The following is general information for the month of December for the community:**

1. Monthly Local Retail Sales Tax Receipts Update

	2018	2019	
	\$407,028.86	\$413,482.82	Increase of \$6,453.96 for the month, and
YTD	\$4,843,361.41	\$4,960.937.71	Overall increase of 2.43% from year 2018

2. City Share from County Tax

	2018	2019	
	\$ 197,197.39	\$203,954.48	Increase of \$6,757.09 for month, and
YTD	\$2,385,755.94	\$2,463,818.17	Overall increase of 3.27% from year 2018

3. Building Permits issued from 12/1/2019 to 12/31/2019 for new construction, remodeling, repairs and demolition.

Total number of building permits issued through Code Services:	43
Total of valuations associated with those building permits:	\$ 375,488.00
Total number of dollars collected for Building Permit Fees:	\$ 4,248.50
Construct - single family dwellings	0
Demo - single family dwellings	1

Flint Hills Mall CID for December	\$ 17,083.43
Year to Date Total	\$ 199,616.81

Consent Agenda

It was moved by Commissioner Smith, seconded by Commissioner Geitz that the Consent Agenda listed below be ratified as a whole:

- a. Consider minutes of the Regular Meeting held on January 8, 2020.
- b. Consider ratification of Payroll Ordinance for the period ending on January 3, 2020.

The vote follows: Commissioner Smith, aye; Commissioner Geitz, aye; Commissioner Brinkman, aye; and Mayor Giefer, aye.

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments. No comments were made at this time.

As no one from Sacred Heart Catholic School was in attendance to accept a proclamation recognizing Catholic Schools Week, Mayor Giefer presented a proclamation recognizing the week of January 26th through February 1st, as "Celebrating Catholic Schools Week" in Emporia. He stated each year the Archdiocese of Kansas City in Kansas designates one week during the year to highlight Catholic Schools. The presence of a Catholic school in our community has proven to be an additional amenity and incentive in the education of the youth of the City of Emporia. He stated the legacy of Sacred Heart School will live on for many years thanks to dedicated administrators, teachers, and students as well as a very supportive community.

**ENGINEERING
(Kansas Department of Transportation)
(Approve Economic Development Program 2019-2020)**

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated staff is interested in submitting an application to the Kansas Department of Transportation for their Economic Development Program for 2019 - 2020. The proposed project includes minor arterial/major collector street roadway improvements that connect K-99 and US-50 Highways to the City's Industrial Park III, which includes portions of Logan Avenue, South Avenue and Weaver Streets. Those portions are generally on Logan Avenue (Warren Way to Weaver Street); Weaver Street (Logan Avenue to Railroad Tracks); and South Avenue (East Street to Weaver Street). The estimated costs of the project is \$700,000, with a minimum local 25% city share match of \$175,000 and KDOT providing \$525,000. The City's share would come from the KDOT FFE Fund, Federal Fund Exchange Program. KDOT no

longer allows the City to bank those funds for future projects, currently there is approximately \$500,000 to \$600,000 to pay for this cost share project. The intent for this project is Simmons is consolidating manufacturing operations from another state and interested in locating those positions in Emporia. The street and drainage improvements will help transport the raw materials and finished products between the Simmons plant, raw material vendors, and finished product customers. He stated he this was a very viable project.

Following further discussion, Commissioner Brinkman made a motion to approve the Kansas Department of Transportation Economic Development Program. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

**CITY COMMISSION
(Design Contract with BG Consultants)
(2020 Potable Water System Model)**

Dean Grant, PWC Director, was recognized and addressed the Governing Body. He stated the City of Emporia water distribution system which included piping and elevated storage tank, has been upgraded over the past few years. As discussed at a previous study, BG Consultant has designed a system model that will allow for better planning of future projects for growth, more informed decisions on system design and operation and improvement of the water quality. He stated this model is a living application that will be updated on a regular basis. This is a long term distribution tool for the water system. The model will be housed with BG Consultants, however, it will be owned by the City of Emporia. The cost for the water system model is \$125,000 and would be paid for from the State Revolving Loan Fund that was approved for 2020. He stated staff was recommending approval of the contract with BG Consultants for a Water System Model in the amount of \$125,000.

Commissioner Geitz made a motion to approve the contract with BG Consultants for a Water System Model in the amount of \$125,000. Commissioner Brinkman seconded the motion. The vote follows: Commissioner

Geitz, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

CITY OF EMPORIA
(Adopt 2020 Legislative Policy Statement)

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated the City adopts its legislative position detailing the community's goals from the State Legislative during the upcoming legislative session. She then reviewed the 2020 Legislative Policy Statement as follows:

HOME RULE - We believe the governing of public affairs should be as close to the people as possible and the Home Rule is essential to vigorous, effective and responsible local government under our representative system. Home Rule is crucial to the continued ability of locally elected officials to solve problems in ways most appropriate to local needs and conditions. Legislative which affirms the ability to pass local laws on the same subject is strongly supported.

FUNDING LOCAL GOVERNMENT - Revenue streams designated for specific state aid programs should be directed to those programs without reallocating revenues to the state. Legislative action reducing local revenues must be matched with action to replace the reduced funds.

KDOT - The City supports full restoration of KDOT funding. State highway funds should be used for highway improvements only. The City-County Highway Fund is essential to maintaining local roads and should be fully funded. The City also supports increasing the amount of State funding which supports maintenance of State highways within city limits.

STATE - LOCAL SPENDING LID - Controlling growth of governmental spending is a vital interest to everyone. Arbitrary spending limits that restrict the authority of locally elected officials to make decisions in the best interest of the community should be opposed.

PUBLIC EDUCATION - We believe that state legislature should provide balanced education funding with continued support for K-12, job training, technical colleges and our state universities. Coordination of higher education programs should be encouraged. To support a strong economic future we need a prepared workforce.

SALES TAX FAIRNESS - We support required out of state sellers of goods to pay local sales tax on internet sales. We further generally oppose any further exemption to the base of state and local sales taxes, including sales of food. Any Change in the method of taxing food should be accomplished by a system of income tax credits or direct rebates, rather than complete exemption.

BUDGETING - The statutory timetable for budget preparation, publication, hearing, adoption and certification should be extended by at least one month. The increasingly efficient methods of communication and data transmission should allow such an extension without an undue impact upon county offices and would help ensure the municipality's receipt of accurate assessed valuation information.

EMS/HOSPITAL FUNDING - Emergency medical services and public hospitals must provide medical services without regard to ability of patients to pay. The expansion of Medicaid in Kansas would allow medical providers to be at least partially compensated for some medical services to economically disadvantaged citizens. We support the expansion of Medicaid in Kansas.

ECONOMIC DEVELOPMENT - We support the Department of Commerce economic development and workforce development incentives including Rural housing incentive Districts, the PEAK program and the HPIP program.

KPERS - The City support the continued commitment to stabilize and fully fund the Kansas Public Employees Retirement System (KPERS).

VAPING TAX - We believe that vaping liquids and products should be taxed at the same rate as tobacco products.

Commissioner Smith made a motion to adopt City of Emporia 2020 Legislative Policy Statement. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

**CITY COMMISSION
(City Manager's Report)**

This is a verbal report that announces upcoming events, recognizes employees for outstanding contribution and provides the public information that may be of a general interest. The following information was presented at the meeting:

At the time this Agenda was prepared, the following items were in the works:

TENTATIVE AGENDA FOR JANUARY 22nd STUDY SESSION @ 11:00 a.m.

Lift Stations

Joint Luncheon w/Planning Commission & Board of Zoning Appeals

EXECUTIVE SESSION

Commissioner Geitz made a motion to adjourn into Executive Session to discuss information of a corporation seeking to relocate in Emporia, Kansas and to invite Kent Heermann, President of Regional Development Association of East Central Kansas (RDA), from 7:12 p.m. to 7:27 p.m., in the City Conference Room. Commissioner Smith seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; and Mayor Giefer, aye.

Upon reconvening the meeting in Regular Session, a 7:27 p.m., this same date, in the City Conference Room, Mayor Giefer stated they had discussed information of a corporation seeking to relocate in Emporia, Kansas and action was taken as follows: Commissioner Geitz made a motion authorizing the pre-disaster mitigation grant application on behalf of Smoots Enterprises, LLC, subject to approval of the City Attorney. Commissioner Smith seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; and Mayor Giefer, aye.

Commissioner Smith then made a motion to adjourn. Commissioner Geitz seconded the motion. The vote follows: Commissioner Smith aye; Commissioner Geitz, aye; Commissioner Brinkman, aye; and Mayor Giefer, aye.

Danny Giefer, Mayor

ATTEST:

Kerry Sull, City Clerk